

REMARKS

Entry of the present amendment and reconsideration of the claims is respectfully requested.

I. Status of the Claims

Claims 21-45 are pending in the application.

Claims 21-45 stand rejected.

The amendments to claims 21 and 39 do not add new matter.

II. Rejections Under 35 U.S.C. § 112

Claims 21-45 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and failing to particularly claim the invention. The Examiner states that claim 21, lines 8-10 are confusing and that terms in claims 21 and 39 lack antecedent basis.

In response, the Applicants have amended claims 21 and 36 to recite the proper antecedent basis. Additionally, claim 21 has been further amended to correct the informalities noted by the Examiner. Thus, the Applicants respectfully request the Examiner to withdraw the above rejection.

III. Rejections Under 35 U.S.C. § 102

Claims 21, 22, 25, 26 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,251,442 to Roche. The Examiner states that Roche teaches or discloses all of the claimed limitations of the present invention.

The Applicants respectfully traverse the above rejection by stating that Roche does not teach or describe every element of the claimed invention. Claim 21 has been amended to recite the limitation that “a connecting line solely connect[s] at least one of the hydromotors to a hydraulic transformer” and that “a high-pressure line solely connect[s] the pressure source to the hydraulic transformer”. Roche does not disclose such a limitation. The Applicants respectfully state that Roche only discloses a hydromotor that is connected to both the pressure source and the displacers. The hydromotor of the claimed invention is now solely controlled by the fluid flowing through the hydraulic transformer and the control means setting the adjustment means. The configuration of the present invention allows for more accurate control of the hydromotor and allows for a simplified control means. Additionally, the present invention does not allow fluid flow to the low pressure line from a throttling valve. Roche discloses low pressure flow that passes through a throttling valve and this causes additional energy losses. Thus, the Applicants respectfully state that Roche does not disclose all of the claimed invention. Claims 22, 25, 26 and 32 define over the prior art by their own recital and their dependency from claim 21. Thus, the Applicants respectfully request that the above rejection be withdrawn.

IV. Rejections Under 35 U.S.C. § 103

Claims 21, 22, 23, 24, 25, 26, 31 and 32 are rejected under 35 U.S.C. § 103(a) as unpatentable over Roche in view of the Examiner's official notice of ordinary skill in the art. Claims 24 and 34-37 are rejected under 35 U.S.C. § 103(a) as unpatentable over Roche in view of U.S. Patent No. 3,188,963 to Tyler.

The Applicants respectfully traverse the above rejections by stating that Roche does not render the claimed invention unpatentable. Claims 22, 23, 24, 25, 26, 31, 32, and 34-37 all depend from claim 21. Thus, the arguments above, as they pertain to Roche, are applicable in traversing the above rejections. The Applicants further state that 22, 23, 24, 25, 26, 31, 32, and 34-37 define over the prior art based on their own recital. Applicants respectfully state that Roche does not render the claimed invention unpatentable and respectfully requests withdrawal of the above rejections.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

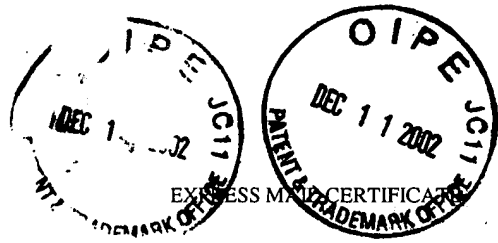
If there are any other issues remaining which the Examiner believes could be resolved by either a Supplemental Response or a Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis J. DelJuidice', written over a horizontal line.

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PATENT TRADEMARK OFFICE

Docket No: 7238/0H418-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Peter Augustinius Johannes ACHTEN

Serial No. 09/601,961

Art Unit: 3745

Confirmation No.: 5233

Filed: August 25, 2000

Examiner: Frank D. LOPEZ

For: **APPARATUS FOR EXECUTING ACTIVITIES ASSISTED BY
HYDROMOTORS AND A HYDRAULIC TRANSFORMER FOR USE IN SUCH
AN APPARATUS**

MARK-UP ACCOMPANYING AMENDMENT

December 11, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

IN THE CLAIMS

Please replace claims 21 and 39 with the following amended claims 21 and 39:

21. (Twice Amended) An apparatus for executing activities assisted by equipment driven by at least one of a rotating and a linear hydromotor whereby at least one of the

hydromotors is at least one of loadable and movable in two directions and a connecting line [is directly connected] solely connecting at least one of the hydromotors to a hydraulic transformer, the apparatus comprising:

a pressure source for storing and delivering fluid of high pressure,

a high-pressure line [and a low-pressure line for transporting fluid to and from] solely connecting the pressure source to the hydraulic transformer, the hydraulic transformer being provided with a rotor; [and]

a tank for at least one of receiving and supplying fluid at low pressure and connected to at least one of the hydraulic transformer and the connecting line;

a continuously variable setting controlled by an adjustment means,

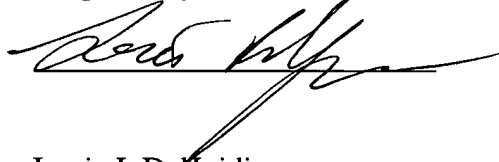
a control means for controlling the adjustment means and thereby controlling the fluid pressure in the connecting line, wherein the control means comprise a sensor for measuring the flow in the connecting line between the hydromotor and the hydraulic transformer.

[a plurality of connecting lines connecting the hydraulic transformer, the hydrometer and the control means for controlling the adjustment means and thereby controlling the fluid pressure in the connecting lines, wherein the control means comprise a sensor for measuring the flow in the connecting lines between the hydromotor and the hydraulic transformer.]

39. A hydraulic transformer according to claim 33, wherein the [third] face plate at the side of the fluid chambers is bordered by a first separating surface and at the side facing away from the fluid chambers by a second separating surface and between the first separating

surface and the second separating circumference, by an external circumference, the first separating surface comprising at least three rotor gates located at a first radius and being in communication with three face plate conduits, and the second separating surface comprising two housing gates located at a second radius, each being in communication with a face plate conduit and the third face plate conduit is in communication with a housing gate at the external circumference of the face plate.

Respectfully submitted,

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